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PRACTICE LIMITED TO MATTERS BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

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June 24, 1993

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JUN 25 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Amendment of Section 73.202(b) FM Table of Allotments
Berlin, De Forest and Wautoma, Wisconsin
De Forest Broadcasting Company, Petitioner
MM Docket Number 93-91(RM-8197)

Dear Ms. Searcy:

Transmitted herewith, on behalf of De Forest Broadcasting Company, are an original and six copies of its "Reply Comments" to the "Counterproposal" filed by Markesan Broadcasting Company, in connection with the above-identified Rule Making proceeding.

Should any questions arise concerning this matter, please contact the undersigned, directly.

Respectfully submitted,

By: R. Hayes
Richard H. Hayes, Jr., Esq.
Counsel to De Forest Broadcasting
Company

RJH:lss
Enclosure

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WASHINGTON D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

)
MM Docket No. 93-91

facility would provide 60 dBu coverage to 2,506 square kilometers and would, according to the 1990 U. S. census, serve a population in excess of 332,758 persons. To accommodate its proposal to allot channel 226A to De Forest, channel 226A at Wautoma would be replaced with channel 272A and channel 284A would have to be substituted for channel 272A at Berlin, Wisconsin. The station at Wautoma has not yet been constructed and, if the proposal of De Forest Broadcasting Company is adopted through a Report and Order in this proceeding, the channel change required would cause no disruption of service. De Forest Broadcasting Company's proposal would also require the substitution of channel 284A for channel 272A at Berlin, Wisconsin and this change would affect radio station WISS-FM. De Forest Broadcasting Company has pledged to reimburse WISS for the reasonable and prudent out-of-pocket expenses associated with the channel change. Under this proposal, no area or population would lose any present or projected FM service and a substantial area would receive first, local service from a new FM station.

MBC requests Commission consideration of its proposal to add channel 284A to Markesan, Wisconsin, a village of approximately 1,496 persons. MBC's proposal would be for a facility which offers a first, local FM service. If the MBC proposal is adopted, the De Forest allotment could not be made.

Since there appear to be no other channels available for allotment at either De Forest or Markesan, the Commission must comparatively consider the communities pursuant to the FM allotment priorities to determine which

would warrant the allotment of a channel. The FM allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local transmission service; (4) other public interest matters [co-equal weight is given to priorities (2) and (3)]. (See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982)).

As stated above, De Forest Broadcasting Company proposed first local transmission service to De Forest, Wisconsin and MBC proposes first, local FM service to Markesan. On this basis alone, the proposals appear to have equal weight. Markesan, however, is a small village of only about 1,496 persons. MBC has offered no indication that Markesan is a community for allotment purposes, as required by the Commission's Rules. The Markesan proposal requires that an existing FM station, WTKM-FM, Hartford, Wisconsin (Channel 285A) relocate its transmitter and tower. By contrast, the De Forest proposal would serve 4,882 persons within the corporate area of De Forest, Wisconsin. MBC's proposal would serve only 1,496 persons. De Forest's proposal would, therefore, provide first aural service to 3,386 more persons than MBC's "Counterproposal." This represents an increase of 226.3% between the two proposals. It should also be emphasized that the De Forest proposal would serve a total population of 332,758 (within the 60 dBu coverage of each facility's signal) whereas the Markesan proposal would provide service to only 50,939 persons. The net change in the number of

facility. De Forest's proposal would serve 281,819 more persons than the MBC proposal representing a 553.2% increase in population served when compared with the MBC proposal. Clearly, the De Forest proposal is superior and should be adopted.

Therefore, it is respectfully requested that the original "Petition for Rule Making" submitted by De Forest Broadcasting Company for a new, first local FM facility at De Forest be GRANTED and the "Counterproposal" of Markesan Broadcasting Company be denied.

Respectfully submitted,

De Forest Broadcasting Company

By: R. Hayes
Richard J. Hayes, Jr.
Its Attorney

Date: June 17, 1993

CERTIFICATE OF SERVICE

I, Linda Simms, Assistant to Richard J. Hayes, Jr., Esq., hereby certify that copies of the foregoing were sent via first class mail, postage prepaid, or as otherwise indicated, to each of the following, on this 24th day of June, 1993.

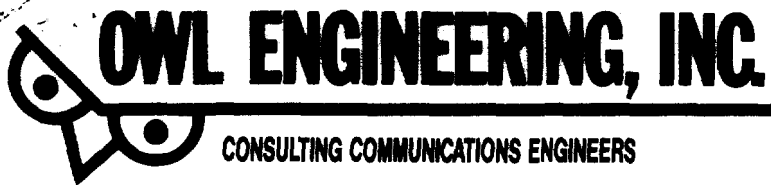
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981 Howard Street
Green Bay, Wisconsin 54303

Mark J. Kastein d/b/a
Markesan Broadcasting Company
P. O. Box 82
Brandon, WI 53919



Linda Simms



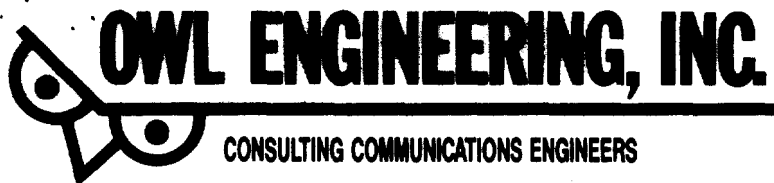
CONSULTING COMMUNICATIONS ENGINEERS

1306 W. County Road F, St. Paul, MN 55112
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**ENGINEERING STATEMENT
ON BEHALF OF DEFOREST BROADCASTING CO.
IN SUPPORT OF REPLY COMMENTS
AMENDMENT OF THE FM TABLE OF ALLOTMENTS
CHANNEL 226A DEFOREST, WISCONSIN**

June 22, 1993

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Owl Engineering, Inc. has been retained by DeForest Broadcasting Co. (hereafter "DeForest") to prepare this Engineering Statement in support of reply comments in response to the counterproposal filed regarding the Petition for Rule Making; MM Docket No. 93-91.

DeForest has proposed amending the FM table of allotments, FCC Rule Section 73.202 as follows:

<u>Location</u>	<u>Present</u>	<u>Proposed</u>
DeForest, WI		226A
Wautoma, WI	226A	272A
Berlin, WI	272A	284A

Markesan Broadcasting Company (hereafter MBC) has offered a counterproposal to



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The reference coordinates used for this study are:

DeForest, WI

**43 12' 21" North Latitude
89 16' 45" West Longitude**

Wautoma, WI

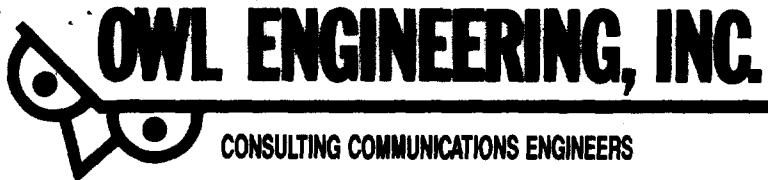
**44 04' 18" North Latitude
89 17' 30" West Longitude**

Berlin, WI

**43 56' 55" North Latitude
88 59' 09" West Longitude**

Markesan, WI

**43 43' 53" North Latitude
89 01' 24" West Longitude**



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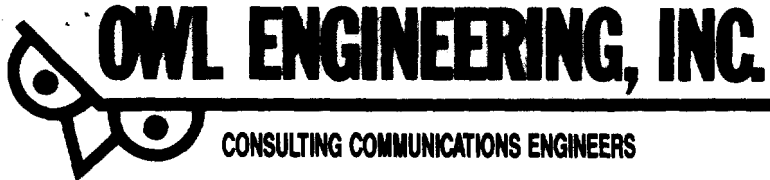
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A comparison of the two mutually exclusive proposals at DeForest and Markesan was completed to determine the service benefit of each proposal.

The population predicted to receive 60 dBu service from the proposals at DeForest and Markesan was compared. The distance to the 60 dBu contour for each proposal was calculated assuming a maximized Class A facility at the respective reference coordinates. The data obtained from the analysis is tabulated below:

Site	60 dBu Coverage km ²	Population Served
DeForest	2,506	332,758
Markesan	2,496	50,939

Based on the numbers above, it can be determined that the counterproposal offered by MBC increases the population predicted to receive 60 dBu service over what is currently authorized by 50,939 persons. However, the proposal of DeForest will increase the population predicted to receive 60 dBu service over what is currently authorized by 332,758 persons, 281,819 more persons than MBC's counterproposal. This represents a 553.2 percent increase in population served over MBC's counterproposal.



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In addition to the inferiority stated above, DeForest's original proposal will provide first aural service to a population of 4,882 persons at DeForest based on 1990 US census data. MBC's counterproposal will provide first aural service to a population of 1,496 persons at Markesan based on 1990 US census data. Based on these numbers, DeForest's proposal will provide first aural service to 3,386 more persons than MBC's counterproposal. This represents a 226.3 percent increase in population receiving first aural service over MBC's counterproposal.



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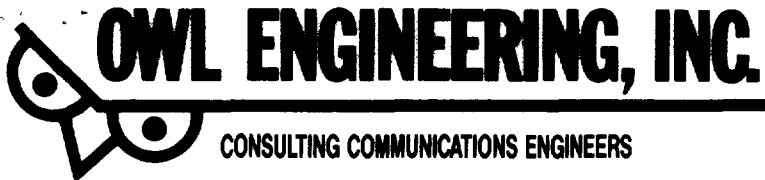
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Based on the engineering studies provided, the following conclusions can be obtained:

- 1. The proposal will provide DeForest with a first aural full time broadcast service.**
- 2. 281,819 more persons will be served by predicted 60 dBu service from the proposed operations at DeForest than that offered by MBC.**
- 3. 3,386 more persons will receive first aural service from the proposed operations at DeForest than that offered by MBC.**



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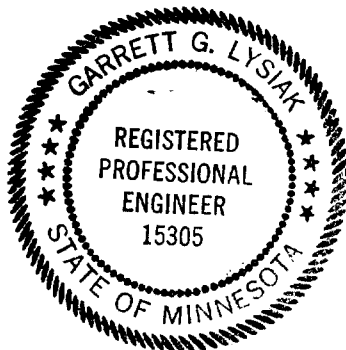
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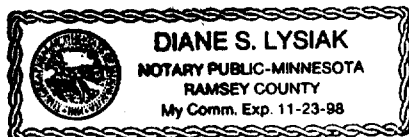
RAMSEY COUNTY)
)
STATE OF MINNESOTA) ss:

Garrett G. Lysiak, being first duly sworn, says that he is president of Owl Engineering, Inc., consulting communications engineers with offices in Arden Hills, Minnesota: that his qualifications as an expert in communications engineering are a matter of record with the Federal Communications Commission: that the foregoing exhibit was prepared by him and under his direction; and that the statements contained therein are true of his own personal knowledge except those stated to information and belief and, as to those statements, verily believes them to be true and correct.



Garrett G. Lysiak
Garrett G. Lysiak, P.E.

Subscribed and sworn to before me this date June 18, 1993



Diane S. Lysiak

Diane S. Lysiak
Notary Public

My commission expires November 23, 1992